

# United States Senate

WASHINGTON, DC 20510

August 2, 2018

The Honorable Pat Roberts  
Chairman  
Senate Committee on Agriculture,  
Nutrition and Forestry  
328A Senate Russell Building

The Honorable Debbie Stabenow  
Ranking Member  
Senate Committee on Agriculture,  
Nutrition and Forestry  
328A Senate Russell Building

Dear Chairman Roberts and Ranking Member Stabenow,

We write today expressing our strong opposition to Representative Steve King's amendment, which was included in the House-passed farm bill.<sup>1</sup> If enacted, this amendment would undermine numerous state laws and infringe on the fundamental rights of states to establish regulations within their own borders. We want to thank you for not including this provision in the Senate bill, and strongly encourage you to reject this provision in any form in the final conference report.

The King amendment, also known as the "Protect Interstate Commerce Act" (H.R. 4879), would drastically broaden the scope of federal preemption of state and local agricultural laws. The language aims to force states and local governments to accept products from other states that violate standards and regulations enacted in the importing state. These state and local laws were enacted to address concerns relating to the protection of consumers, farmers, workers, the environment, and more. Overriding these laws is wrong, both as a matter of federalism and public policy, and we should not enact this overhaul of state and local regulatory power.

Furthermore, the provision is drafted in an expansive manner that could undermine an enormous number of state laws, including many that extend far beyond agriculture. The scope of impacted laws includes measures aimed at protecting states from invasive pests, infectious disease regulations, health and safety standards, consumer information safeguards, food quality and safety regulations, animal welfare standards, narcotics laws, and fishing regulations. Below are just a few of the many areas that could be impacted by the provision:

- Arkansas, Connecticut, Florida, Illinois, Indiana, Massachusetts, Minnesota, New York, Oregon, Utah, Vermont and Wisconsin have laws that restrict the importation of firewood from other states or regions in order to prevent the spread of invasive pests and diseases that can devastate local ecosystems. Additionally, 23 states have restrictions on the importation of Ash trees in order to prevent the spread of the emerald ash borer. Alabama, Florida, Louisiana, South Carolina and Texas have passed laws to prevent the spread of the Asian citrus psyllid, which causes citrus greening, and many other states have implemented regulations in order to protect iconic species of trees that grow in various regions of the United States.

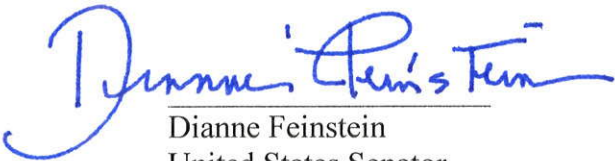
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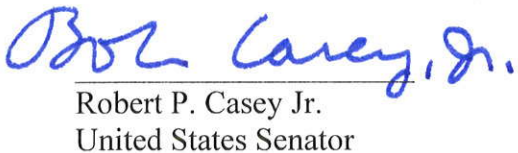
<sup>1</sup> Subtitle G, Sections 11701 and 11702 of H.R. 2

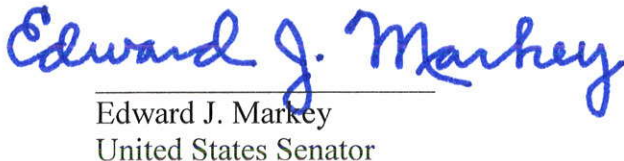
- Alabama, California, Georgia, New Jersey and Ohio have laws prohibiting infant formula from being sold beyond the expiration date in order to protect the health of infants. Connecticut, Illinois, Maine, Minnesota, Nevada and Vermont have laws prohibiting the sale of jars of baby food that contain bisphenol A in order to protect the health of children.
- Several states have laws governing tobacco products or have implemented regulations on recreational and medicinal drugs, such as bans or partial bans on salvia (*Salvia divinorum*). These laws are aimed at protecting public health and preventing drug addiction.
- Dozens of states have enacted animal welfare and food safety laws, including labeling, sale of expired food, cage and housing requirements for animals, and sourcing requirements.

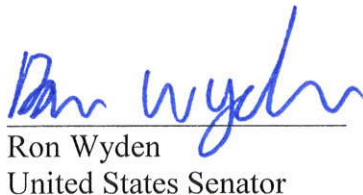
Due to these concerns, we respectfully ask that you reject inclusion of this provision in any form, as you did in the 2014 farm bill. Thank you and we look forward to working with you to pass a bipartisan farm bill this year.

Sincerely,

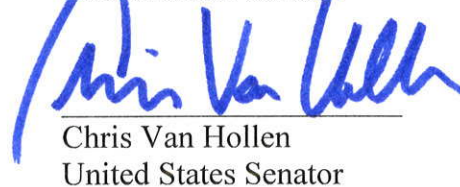
  
Dianne Feinstein  
United States Senator

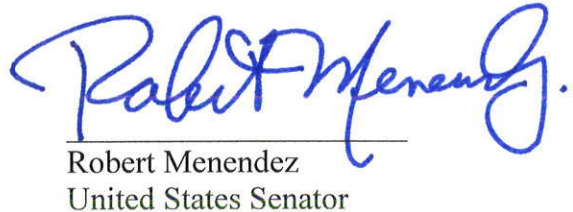
  
Robert P. Casey Jr.  
United States Senator

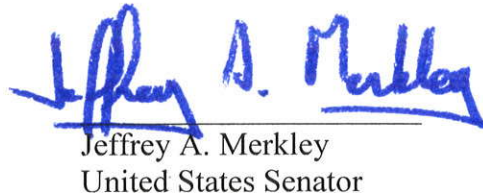
  
Edward J. Markey  
United States Senator

  
Ron Wyden  
United States Senator

  
Kamala D. Harris  
United States Senator

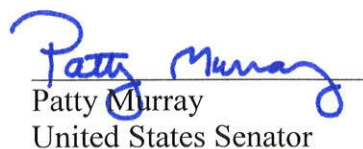
  
Chris Van Hollen  
United States Senator

  
Robert Menendez  
United States Senator

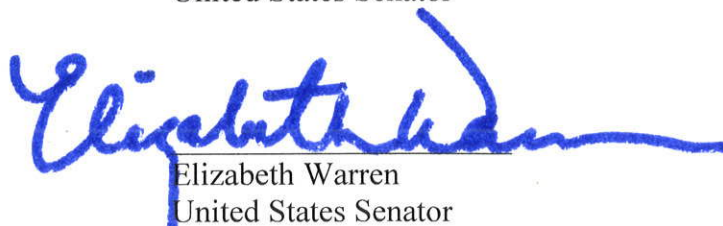
  
Jeffrey A. Merkley  
United States Senator

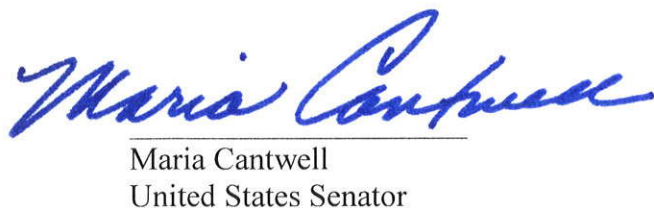


  
Jack Reed  
United States Senator

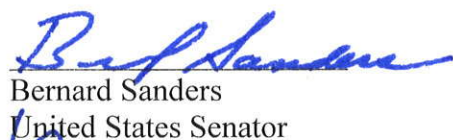
  
Patty Murray  
United States Senator

  
Richard Blumenthal  
United States Senator

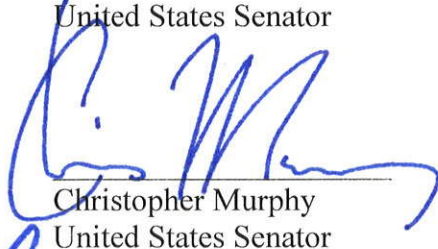
  
Elizabeth Warren  
United States Senator

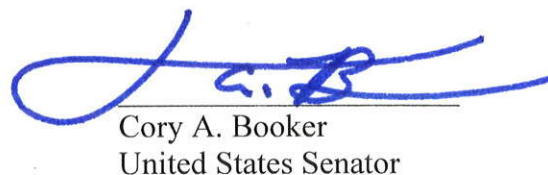
  
Maria Cantwell  
United States Senator

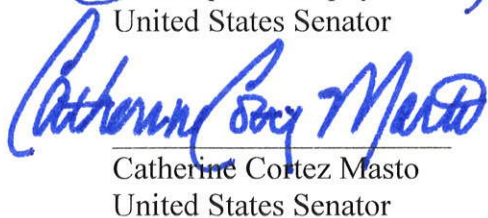
  
Tom Udall  
United States Senator

  
Bernard Sanders  
United States Senator

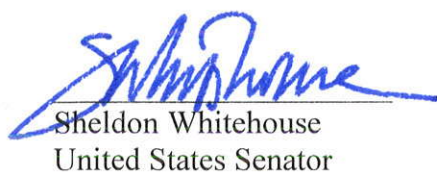
  
Kirsten Gillibrand  
United States Senator

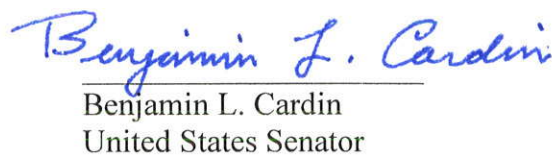
  
Christopher Murphy  
United States Senator

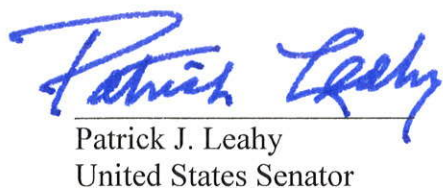
  
Cory A. Booker  
United States Senator

  
Catherine Cortez Masto  
United States Senator

  
Tammy Duckworth  
United States Senator

  
Sheldon Whitehouse  
United States Senator

  
Benjamin L. Cardin  
United States Senator

  
Patrick J. Leahy  
United States Senator

  
Susan M. Collins  
United States Senator



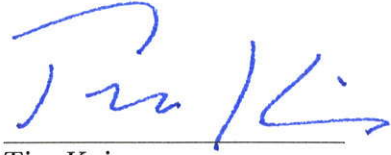
Gary C. Peters  
United States Senator



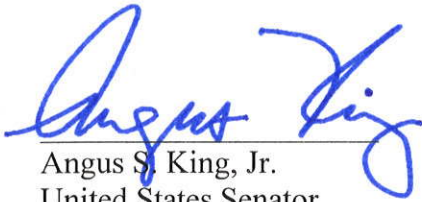
Tina Smith  
United States Senator



Margaret Wood Hassan  
United States Senator



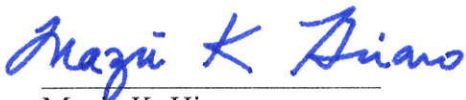
Tim Kaine  
United States Senator



Angus S. King, Jr.  
United States Senator



Richard J. Durbin  
United States Senator



Mazie K. Hirono  
United States Senator



Bill Nelson  
United States Senator